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In re Application of :
TAYLOR et al. :
Application No.: 09/744,613 :
PCT No.: PCT/US99/16968 : DECISION ON
Int. Filing Date: 28 July 1999 :
Priority Date: 28 July 1998 : 37 CFR 1.42 PAPERS
Attorney Docket no.: P/3501-9 :
For: ENHANCEMENT OF PROFILED TUBULAR :
LINING SYSTEMS BY CHANNEL AUGMENTATION :

This is a decision on the submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 19 March 2001 along with an executed declaration for the above referenced application.

BACKGROUND

On 26 January 2001, applicants filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter were, *inter alia*, the requisite basic national fee and a Preliminary Amendment.

On 13 February 2001, a Notification of Missing Requirements was mailed to applicants indicating that an executed oath or declaration was required along with a \$130 surcharge for filing the oath or declaration after the thirty month period.

On 19 March 2001, in order to satisfy the requirement that an oath or declaration of the inventors be furnished, applicants also filed a declaration that was signed by applicant/inventor Jack Curtis Taylor, Louise F. Roach as "executrix" for inventor Max Jerry Roach (deceased). Applicants also filed the Last Will and Testament of Max Jerry Roach.

DISCUSSION

Pursuant to 37 CFR § 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

37 CFR 1.497(a)(3) requires that the declaration must identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. Furthermore, 37 CFR 1.497(b)(2) states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must also state that the person is a legal representative and the citizenship, residency and mailing address of the heir(s)/legal representative.

The declaration submitted on 19 March 2001 identifies Louise F. Roach as the "executrix of the estate of" applicant/inventor Max Jerry Roach and states his country of citizenship, former residency and mailing address as required for compliance with 37 CFR 1.497(a)(3). The declaration, although signed by the legal representatives of the deceased inventor, fails to provide her country of citizenship, residency and mailing address respectively. See 37 CFR 1.64.

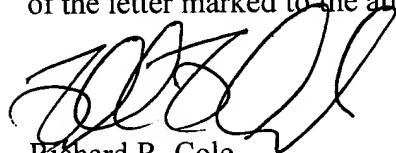
Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is presently **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.42 must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.42." No additional petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT Legal, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.


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